

SIKKIM



GOVERNMENT

GAZETTE

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**THE HIGH COURT OF SIKKIM
GANGTOK**

No. 39/ESTT/HCS

Dated: 16.03.2023

NOTIFICATION

**SCHEME FOR ENGAGING LAW CLERKS-CUM-LEGAL RESEARCH
ASSISTANTS IN THE HIGH COURT OF SIKKIM SCHEME, 2022**

WHEREAS Law Clerks-cum-Legal Research Assistants are required to be attached to the Hon'ble Judges in the High Court to assist in day to day work e.g., searching out case law, articles, papers; taking down notes of arguments and preparing notes on facts of the case; preparing of speech/ articles etc. as also in some of the administrative matters, which add to and enrich the knowledge and experience of concerned Law Clerks-cum-Legal Research Assistant also;

AND WHEREAS sanction of 4 (four) posts of Law Clerks-cum-Legal Research Assistants on fixed honorarium basis, for their attachment with Hon'ble the Chief Justice and with the Hon'ble Judges, has been issued by the Government of Sikkim under Notifications No. 15/GEN/DOP dated 22.02.2017, No. 70/GEN/DOP dated 29.08.2017 and No. 38/GEN/DOP dated 30.05.2022.

THEREFORE, to obtain the services of best candidates, and with a view to keep transparency in the mode, and modality of engaging such Law Clerks; and for providing qualification / method of selection, brief job chart, general condition of service etc., and in supersession of Notification No.18/ESTT/HCS dated 29.06.2010, Hon'ble the Chief Justice, while exercising powers conferred under Article 229 of the Constitution of India, hereby issues the following Guidelines: -

- Short title and commencement: -**
1. (i) These Guidelines may be called the ***"Scheme for engaging Law Clerks- cum-Legal Research Assistants in the High Court of Sikkim, 2022."***
 - (ii) They shall come into force at once.

Definitions:

2. In these Guidelines, unless there is anything repugnant in the subject or context thereof,-
- (a) **Chief Justice** means Hon'ble the Chief Justice of High Court of Sikkim;
 - (b) **Judge** means Hon'ble Judge of High Court of Sikkim;
 - (c) **Law Clerk** means Law Clerk-cum-Legal Research Assistant in the High Court of Sikkim;
 - (d) **Schedule** means the Schedule appended to these Guidelines;
 - (e) **Website** means the official website of the High Court of Sikkim as may be uploaded from time to time. (At present it is <https://hcs.gov.in>);
 - (f) **Universities / Colleges/ Institutions** shall mean the Universities/ Colleges/ Institutions established by law in India and recognized by the Bar Council of India.

Term and nature of engagement:

3. (1) A Law Clerk will be engaged, subject to such clerk's continued satisfactory performance, for a maximum period of two years, renewable for subsequent periods of each year as may be mutually decided by the relevant Judge and the Law Clerk.
- (2) The engagement of Law Clerk-cum-Legal Research Assistant (with the nomenclature, "Law Clerk") would be on a purely contractual basis at a fixed consolidated remuneration per month, as may be fixed from time to time, without the engaged person having any claim as an employee of the Court.
- (3) The period of assignment can be terminated by the relevant Judge without any notice.
- (4) A Law Clerk intending to leave the engagement pre-maturely shall be required to give prior notice, at least of a period of three months.
- (5) A Law Clerk will have such leave of absence as may be approved by the relevant Judge, subject to a maximum of 15 days per year during the period of assignment.
- (6) Proportionate reduction of honorarium shall be made for unauthorized absence, so also for absence beyond permissible period of leave.
- (7) A Law Clerk will have to execute an undertaking in the appended form as acceptance of the assignment.

Method of Selection:

4. (1) Selection for engaging Law Clerks shall be made by inviting applications from willing candidates by way of the abridged advertisement as prescribed in Schedule I, which shall be published in such manner as may be prescribed by Hon'ble the Chief Justice from time to time.

- (2) Such application shall be made in the form as prescribed in Schedule- II which can be downloaded from the website, and shall be accompanied by the copies of documents, as enumerated in that form.
- (3) Simultaneous to publication of abridged advertisement, the concerned Universities/Colleges/Institutions may also be intimated about the requirement, requesting them to persuade, and forward the applications, of willing candidates, alongwith their recommendation.

Examination Fee: 5. Every candidate shall pay non-refundable examination fee of ₹ 100/- (One hundred rupees), through Demand Draft or Postal Order, to be drawn in the name of Registrar General of the High Court of Sikkim.

Nationality and Age: 6. The candidate must be an Indian national, not less than 23 years of age and not more than 33 years of age as on the date of the advertisement inviting applications.

Qualifications: 7. (1) The candidate must have obtained a LL.B degree from any recognized universities in India, whether enrolled or not as an advocate with Bar Council of India or with any Bar Council of any States.

(2) A candidate studying in the final year of any accredited law course will also be eligible to apply subject to furnishing proof of acquiring Law qualification at the time of interview.

(3) A candidate must have basic knowledge of computer including retrieval of desired information from various search engines/ processes such as Manupatra, SSC Online, Lexis Nexis, Westlaw etc.

Disqualifications: 8. (1) A Law Clerk cannot be a practicing advocate or engaged/ appointed elsewhere, on honorarium/payment basis. If enrolled as an advocate or engaged elsewhere, the candidate shall disclose the facts in the application and shall undertake to seek the suspension of enrolment, or to give up other engagement, as the case may be.

(2) A candidate should not be involved in any criminal case, whether convicted or pending trial.

Character: 9. A candidate seeking engagement as Law Clerk must be a person of integrity, honesty and good moral character, for which the candidate will submit certificate of two responsible persons, at the time of submitting the application.

Appointment: 10. 1. Applications will be invited from eligible candidates to appear at a written and/or viva voce examination for screening.

2. The list of successful candidates clearing the screening test would be made available to all the Hon'ble Judges to indicate their

Lordships' choice of candidate from the list. The list will be circulated to the Hon'ble, the Chief Justice and the Hon'ble Judges in accordance with seniority.

3. Candidates clearing the screening test will be required to present themselves for interview/ introduction with individual Judge (s) for choice of suitable candidate.
4. Upon the Chief Justice selecting a suitable candidate to be exclusively associated with His Lordship, the modified list of available candidates will be presented before the senior-most Puisne Judge and upon the selection of a candidate by the senior-most Pusine Judge, the then modified list of candidates will be presented before the next senior-most Judge and so on till the list is exhausted. It will be open to any Hon'ble Judge to either opt not to engage any Law Clerk altogether or upon assessing the candidates then available on the list, to not engage any of the available candidates on the ground of unsuitability. In such case fresh applications would be invited from candidates whose names had not already figured in the previous screened list.
5. The Hon'ble Judges shall have the right to appoint a Law Clerk of their choice subject to compliance with the eligibility criteria under these rules.

Undertaking:

11. Before taking over assignment, the Law Clerk shall submit an undertaking in the format prescribed in Schedule IV, before Registrar General of the High Court of Sikkim.

Attendance and Leave:

12. (1) A Law Clerk will have such leave of absence as may be approved by the relevant Judge, subject to a maximum of 15 days per year during the period of assignment.
- (2) The Hon'ble Judge with whom the Law Clerk is attached shall be the competent authority to sanction his/her leave.
- (3) The Private Secretary of Hon'ble Judge to whom such Law Clerk is attached shall maintain an account of attendance, and casual leave, of the Law Clerk; and will send its intimation on the last working day of each calendar month to the Bill Section, for preparing the bill of honorarium.

Duties of Law Clerk:

13. Without adversely affecting generality of the job, i.e., to assist the Hon'ble Chief Justice/Judge, the Law Clerk shall perform the following duties, under direct control of the Hon'ble Judge with whom he/she is attached:
 - (a) To read the case files, and prepare the case, i.e., case summary and notes and chronology of events in a comprehensive manner, including the legal questions involved, and the relevant case-law having bearing on the case.

- (b) To search and research legal points and principles under the control and guidance of the Hon'ble Judge.
- (c) To search out case law, articles, papers and other relevant material required in discharge of judicial/administrative functions.
- (d) To take down notes of arguments and to prepare notes of cases.
- (e) To identify facts, issues and questions that may arise in the course of arguments, or as may be relevant for judgment.
- (f) To maintain record of judgments by the Hon'ble Judge alongwith the point of law decided in that particular case, and to maintain it in such a manner, as to be very conveniently retrievable.
- (g) To maintain the record of administrative correspondence, administrative files, and, if specifically entrusted, of particular judicial file(s),
- (h) To assist the Hon'ble Judge in preparing any speech/academic paper.

- Confidentiality:** 14. (1) A Law Clerk will ensure that utmost confidentiality is maintained in respect of the matters assigned to the Law Clerk or matters pertaining to pending and disposed of Court cases that may come to the Law Clerk's knowledge in connection with the work.
- (2) Such confidentiality has to be maintained both during the duration of the clerkship and thereafter.
- (3) Matters relating to Court cases, reports and statistics which come to the knowledge of a Law Clerk in course of the clerkship shall not be used or divulged for any purpose without the express previous leave of the concerned Judge or, upon the retirement of the concerned Judge, the Registrar General of the High Court.

- Duty Hours:** 15. It is a full time job, and Law Clerk may be required to attend the residential office of the concerned Hon'ble Judge, in addition to normal duty during office hours. The Law Clerk may be required to attend office/residential office even on gazetted/local holidays. However, the time schedule shall be as adjusted by the Hon'ble Judge concerned.

- Conduct during and after term of assignment:** 16. (1) A Law Clerk shall maintain devotion to duty, and high moral standards, during the term of engagement. A Law Clerk will not disclose any fact which comes to his/her knowledge on account of such official engagement, during or after completion of term of engagement, unless such disclosure is legally required in discharge of lawful duties.
- (2) The Law Clerk will not accept any other assignment during the term of engagement as Law Clerk.
- (3) After completion of the term, the Law Clerk will not practice for a period of six months in the High Court of Sikkim, and for a period of 1 year before the Hon'ble Judge, with whom he/she was attached, nor will ever handle a case, with relation to which, he/she had discharged any duty, in any manner, as Law Clerk.

- (4) The Law Clerk will not leave headquarter without seeking permission from the Hon'ble Judge concerned.
- (5) The Law Clerk will not avail leave without getting it sanctioned. In any case of emergency, the Law Clerk will immediately contact and convey to the Private Secretary of the Hon'ble Judge concerned, of his/her inability to attend office.

Certificate:

17. 1. Upon successful completion of the term of engagement of the Law Clerk, a certificate shall be issued by the Registrar General, in the form as is prescribed in Schedule V.
2. If the engagement is terminated before completion of the original term due to pre-mature discharge by High Court, or due to voluntarily giving up of assignment by person concerned, no such certificate shall be issued.

Publication of the Guidelines:

18. This *Scheme for engaging Law Clerks-cum-Legal Research Assistants in the High Court of Sikkim* shall be uploaded on the website. However, the Chief Justice may direct its publication in any other manner also.

By Order,

REGISTRAR GENERAL

SCHEDULE – I
ABRIDGED ADVERTISEMENT

Applications for Contractual engagement of _____(required no.) persons as Law Clerks for a period of 2 (two) Year under terms and conditions mentioned in Scheme for engaging Law Clerks-cum-Legal Research Assistants in the High Court of Sikkim, which is available on the website <https://hcs.gov.in>, are invited from eligible candidates having essential qualifications. The candidate must be an Indian national, not less than 23 years of age and not more than 33 years of age as on the date of the advertisement inviting applications. The application (duly filled up and complete in every manner), must reach the office of Registrar

General, High Court of Sikkim, Gangtok on or before _____during office hours. Form of Application is available on and can be downloaded from the website <https://hcs.gov.in>.

Date

Registrar General
High Court of Sikkim

SCHEDULE – II
HIGH COURT OF SIKKIM

Affix passport
sized coloured
photograph duly
signed and

Adv. No. _____/LCLRA/...../

- 1) Name of Post: Law Clerk-cum-Legal Research Assistant
- 2) Name:
- 3) Mother's Name:
- 4) Father's Name:
- 5) Date of Birth:
- 6) Present Address:
- 7) Permanent Address:
- 8) Contact Number:
- 9) Email address:
- 10) Whether SC/ST/OBC? If so, a certificate to that effect to be enclosed.
- 11) Educational Qualifications with the year of passing, division or class secured in different examination from H.S.L.C./H.S.S.L.C. onwards (Copy of the relevant LL.B. certificate or degree should be furnished).
- 12) Whether enrolled as advocate or engaged/appointed elsewhere? If so, furnish the particulars.
- 13) Whether any Civil or Criminal proceeding is pending by or against you? If so, furnish the details of the case.
- 14) Do you have knowledge of Computer Operations? (Yes/No)
- 15) Whether you have undergone any certificate/diploma course in computer operation from a recognized Institute? If so, please give the particulars _____

- 16) Number and Date of Bank Demand Draft/Bankers Cheque /Postal Order and Value:
Number _____ Amount: _____ Date: _____
Name of Bank/Post Office: _____

Date : _____

(Signature of Applicant)

NB: Please see the notes below:

Notes

1. The candidate should affix a latest taken coloured photograph in passport size with his/her own signatures thereon and duly attested by some Gazetted Officer at the place provided in the application.
2. The envelope containing application should be marked **"APPLICATION FOR THE POST OF LAW CLERK-CUM- LEGAL RESEARCH ASSISTANT"**.
3. One envelope shall contain only one application form. If an envelope contains more than one application form, all such applications shall stand rejected.
4. The candidate must attach with the application form, certified copies of the certificates in support of his/her age and educational qualifications, extra curricular activities and computer knowledge.
5. An application may be sent either by Speed Post, Registered Post A.D. Post, or through Courier; it can also be deposited in the office of the Registrar General of the High Court of Sikkim during office hours.
6. The defective application, which is not complete in any respect, will be rejected out-right.
7. Any application received after the last date will not be entertained and the High Court will not be responsible for any postal delay.
8. The candidate is required to furnish a checklist along with application form mentioning therein details about the certificates and the testimonials enclosed with the form.
9. Information regarding format of application and other information available on the website of the High Court of Sikkim at <https://hcs.gov.in> must be read carefully before filling up the application.

SCHEDULE III
OFFER FOR ENGAGEMENT
AS LAW CLERK-CUM-LEGAL RESEARCH ASSISTANT

Under the Scheme for engaging Law Clerks-cum-Legal Research Assistants in High Court of Sikkim, offer to join within seven days from the date of receipt of this letter is being made broadly on the following terms & conditions: -

1. It is a purely temporary contractual engagement for a period of one year which shall not entail you to claim any regular appointment.
2. Premature discharge from the engagement without notice may be ordered if the concerned Hon'ble Judge makes written recommendation, which is accepted by Hon'ble the Chief Justice.
3. A fixed honorarium per month (as applicable) without any dearness or other allowance/perquisite, shall be paid to you. However, proportionate reduction shall be made on account of unauthorized absence so also, for absence beyond the permissible period of leave.
4. You shall be entitled to such leave of absence as may be approved by the relevant Judge, subject to a maximum of 15 days per year during the period of assignment.
5. The provisions contained in the Scheme for engaging Law Clerks- cum-Legal Research Assistants in High Court of Sikkim are binding upon you.
6. On successful completion of term of engagement, a certificate shall be issued to you by the Registrar General.
7. You will maintain devotion to duty, and high moral standards during the term of engagement. You will not disclose any fact which comes to your knowledge on account of such official engagement, during or after completion of term of engagement, unless such disclosure is legally required in discharge of lawful duties.
8. Your principal duties are as follows:
 - (a) To read the case files, and prepare the case, i.e. case summary and notes and chronology of events in a comprehensive manner, including the legal questions involved, and the relevant case-law having bearing on the case.
 - (b) To search and research legal points and principles under the control and guidance of Hon'ble Judge.
 - (c) To search out case law, articles, papers and other relevant material required in discharge of judicial/administrative functions.
 - (d) To take down notes of arguments and to prepare notes of cases.
 - (e) To identify facts, issues and questions that may arise in the course of arguments, or as may be relevant for judgment.

- (f) To maintain record of judgments by the Hon'ble Judge alongwith the point of law decided in that particular case, and to maintain it in such a manner, as to be very conveniently retrievable.
 - (g) To maintain record of administrative corresponding, administrative files, and, if specifically entrusted, of particular judicial file(s).
 - (h) To assist the Hon'ble Judge in preparing any speech/academic paper.
9. During the engagement as Law Clerk, you shall not practice in any court of law nor engage yourself in any other professional pursuit. If already enrolled, you will intimate the Bar Council for suspension of Enrollment. If engaged in any other professional pursuit, you shall disengage.
 10. That you shall wear a black coat (and in case of male, tie also) during court hours.
 11. That you will carry a photo affixed identity card with you so that free access to Court Room, Computer Cell and Library can be given.
 12. That after completion of the term, you will not practice for a period of six months in the High Court of Sikkim, and for a period of 1 year before the Hon'ble Judge, with whom you were attached, nor will ever handle a case, with relation to which you had discharged any duty, in any manner, as a Law Clerk.
 13. Breach of any term / condition or any act of indiscipline by you shall attract termination of engagement without notice.

REGISTRAR GENERAL

**SCHEDULE -IV
UNDERTAKING**

I _____ son/daughter of _____
resident of _____ having
been assigned the job of Law Clerk to get practical training and to assist the Hon'ble Judges in
discharge of Judicial/ Administrative functions, do hereby submit my undertaking and affirm as
under: -

That I have carefully read the **SCHEME FOR ENGAGING LAW CLERKS-CUM-
LEGAL RESEARCH ASSISTANTS IN HIGH COURT OF SIKKIM** and have fully understood
the provisions contained therein. I understand and do undertake that I am bound by the
provisions contained in the above said Scheme and by the terms of my engagement; and that I
will abide by the same.

Date

Signature

(Name of Law Clerk)

Verified

(Registrar General)

SCHEDULE V
CERTIFICATE

To whomsoever it may concern

This is to Certify that Mr./Ms. _____ has
successfully participated in training as Law Clerk-cum-Legal Research Assistant w i t h
Hon'ble Mr. Justice _____ Chief Justice/ Judge
of the High Court of Sikkim from _____ to _____;
and his / her performance was found to be Satisfactory/ Good/ Outstanding.

DATE

REGISTRAR GENERAL

